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REMARKS

This is in response to the Office Action mailed March 20, 2006. Reconsideration of the restriction and/or election requirement, consideration and search of the claims, and allowance thereof are respectfully requested.

In the Office Action, the Examiner requires restriction to one of Inventions I and II as follows:

I. Claims 1-11 and 21-33, drawn to apparatus for searching and suggesting metadata and keywords, classified in class 707, subclass 3.

II. Claims 12-20, drawn to a method for generating a database for the digital communications network from a user, classified in class 707, subclass 102.

The Examiner asserts that the two claim groups are distinct inventions because "the combination I as claimed does not require the subcombination II, as claimed because it is an apparatus for searching and suggesting metadata and keywords, which does not need to be related to the claimed method for generating a database for the digital communications network from a user. The subcombination II, as claimed does not require the combination I, as claimed because the method for generating a database for the digital communications network from a user does not need an apparatus for searching and suggesting metadata and keywords."

Applicants respectfully traverse the Examiner's restriction requirement. The Examiner states that claims 12-20 are "drawn to a method for generating a database for the digital communications network from a user" This is incorrect. Claim 12 does not "generate" a database; rather, claimed 12 performs the step of "comparing the search request to a database of indexed metadata elements."

The use of a database is simply not the same as the creation or generation of the database. Thus, the Examiner's premise for the restriction requirement is not sustainable. Moreover, there is no undue burden placed upon the Examiner by searching both sets of claims.

Applicants provisionally elect claims 1-11 and 22-33 of invention I with traverse. To the extent this restriction requirement is maintained by the Examiner, Applicants

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reserve the right to subsequently file divisional applications in order to prosecute the inventions recited in any one or more of the non-elected groups of claims.

Applicants have amended the claims to correct minor typographical errors. Such corrections do not add any new subject matter to the application.

CONCLUSION

Applicants believe that all claims presently pending in this application are in condition for allowance. If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

3/30/06

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